



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of: James R. Broach, *et al.*

Serial No.: 09/581,861

Filed: June 16, 2000

For: YEAST CELLS EXPRESSING MODIFIED G
PROTEINS AND METHODS OF USE THEREFOR

Attorney Docket No.: CPI-012C8US

Group Art Unit:

Examiner:

Assistant Commissioner for Patents
Washington, D.C. 20231

Certificate of First Class Mailing (37 CFR 1.8(a))

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on the date set forth below.

October 6, 2000
Date of Signature and of Mail Deposit

By: Peter C. Lauro
Peter C. Lauro, Esq.
Registration No. 32,360
Attorney for Applicants

PETITION TO CORRECT FILING DATE PURSUANT TO 37 C.F.R. §1.10

Dear Sir:

Applicants hereby request, pursuant to 37 C.F.R. §1.10(c), that the filing date of US Patent Application No. 09/581,861 be corrected from June 16, 2000, the filing date accorded by the Patent Office as stamped on the return postcard filed with the application, to **June 19, 2000**, the actual United States Postal Service ("USPS") deposit date.

In support of their request for correction, Applicants attach hereto copies of the following documents as evidence of the actual filing date of June 19, 2000 for the above-referenced application:

- (1) a true copy of the Express Mail Label made prior to deposit of the application with the United States Postal Service;
- (2) a true copy of the Application Transmittal Letter dated **June 19, 2000**, made prior to deposit of the application with the United States Postal Service, describing the papers which constituted the application filing package;

(3) a Rule 10 Certification of Express Mailing (Express Mail Label No. **EL 373 206 131 US**) indicating that the application filing package was deposited with the United States Postal Service "Express Mail Post Office to Addressee" on **June 19, 2000** by Larry Taylor;

(4) a true copy of the return postcard, made prior to deposit of the application with the United States Postal Service, originally filed with the above-referenced application, describing the papers that constituted the filing package and indicating the deposit into "Express Mail" on **June 19, 2000** with Certificate of Express Mailing No. **EL 373 206 131 US**;

(5) a true copy of the "Express Mail" mailing label No. **EL 373 206 131 US**, bearing an incorrect "date in" of **June 16, 2000**, *but also bearing the official United States Postal Service/ BOSTON, MA 02205 date stamp of June 19, 2000* in the upper right-hand corner of the Express Mail label, *indicating that the application package was in fact deposited with the United States Postal Service "Express Mail Post Office to Addressee" on June 19, 2000*; and

(6) a copy of the return postcard, date-receipt stamped by the Patent Office with the incorrect date of June 16, 2000, describing the papers that constituted the filing package and indicating the deposit into "Express Mail" on **June 19, 2000** with Certificate of Express Mailing No. **EL 373 206 131 US**.

As the copy of the Express Mail mailing label will demonstrate (item (5) above), the postal clerk who completed the label incorrectly wrote the "date in" as June 16, 2000, which the U.S. Receiving Office subsequently assigned as the official filing date. However, the correct filing date for this application should be **June 19, 2000** which corresponds to the actual date stamped on the Express Mail mailing label in the upper right hand corner of the label, by the same postal clerk, and which is supported by all of the supporting documentation enclosed herewith.

Therefore, in accordance with 37 C.F.R. §1.10(c)(1) and (2), Applicants hereby promptly submit the aforementioned items (1) –(4) which establish that the "Express Mail" mailing label was placed on the application papers that constituted the correspondence prior to the original mailing by "Express Mail". Further, in accordance with 37 C.F.R. §1.10(c)(3), Applicants submit herewith a true copy of the Express Mail Label No. **EL 373 206 131 US** (item (5) above) which indicates a "date in" of **June 16, 2000** *but bears the official United States Postal Service/ BOSTON, MA 02205 date stamp of June 19, 2000* in the upper right-hand corner of the Express Mail label. This true copy, together with items (1), (2), (3) and (4) above conclusively establish that the instant application was deposited with the United States Postal Service "Express Mail" on June 19, 2000 and is therefore entitled to a filing date of June 19, 2000.

In summary, Applicants respectfully request that the present Petition be granted and that the filing date of US Patent Application No. 09/581,861 be corrected from June 16, 2000 to June 19, 2000.

No fees are believed to be due in connection with this communication. However, please charge any necessary fees to our Deposit Account No. 12-0080. A duplicate of this document is enclosed.

Please contact the undersigned at 671-227-7400 with any questions.

Respectfully submitted,

LAHIVE & COCKFIELD, LLP

A handwritten signature in cursive script, appearing to read "Peter C. Lauro", is written over a horizontal line.

Peter C. Lauro, Esq.
Registration No. 32,360
Attorney for Applicants

28 State Street
Boston, MA 02109
Phone: (617) 227-7400
Fax: (617) 742-4214

Date: October 6, 2000